

1 EDMUND G. BROWN JR.
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2579
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2011-734

13 **IRENE LEE YEOH**
aka IRENE LEE WILSON
22955 Cardinal Street
14 Grand Terrace, CA 92313

A C C U S A T I O N

15 Registered Nurse License No. 452535
Public Health Nurse Certificate No. 46436
Nurse Practitioner Certificate No. 6678
16 Nurse Practitioner Furnishing Certificate No. 6678

17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs (Board).

25 2. On or about March 31, 1990, the Board issued Registered Nurse License No. 452535
26 to Irene Lee Yeoh, aka Irene Lee Wilson (Respondent). The Registered Nurse License was in full
27 force and effect at all times relevant to the charges brought herein and will expire on October 31,
28 2011, unless renewed.

3. On or about July 2, 1990, the Board issued Public Health Nurse Certificate No. 46436 to Respondent. The Public Health Nurse Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

4. On or about July 28, 1993, the Board issued Nurse Practitioner Certificate No. 6678 to Respondent. The Nurse Practitioner Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

5. On or about July 28, 1993, the Board issued Nurse Practitioner Furnishing Certificate No. 6678 to Respondent. The Nurse Practitioner Furnishing Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2011, unless renewed.

JURISDICTION

6. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

7. Section 118, subdivision (b), provides that the suspension, expiration, surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

8. Section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

9. Section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an expired license at any time within eight (8) years after the expiration.

10. Section 2761 states, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

1 ///

2 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

3 "(1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing
4 functions. . . ."

5 **REGULATORY PROVISIONS**

6 11. California Code of Regulations, title 16, section 1442 states:

7 "As used in Section 2761 of the code, 'gross negligence' includes an extreme departure from
8 the standard of care which, under similar circumstances, would have ordinarily been exercised by
9 a competent registered nurse. Such an extreme departure means the repeated failure to provide
10 nursing care as required or failure to provide care or to exercise ordinary precaution in a single
11 situation which the nurse knew, or should have known, could have jeopardized the client's health
12 or life."

13 12. California Code of Regulations, title 16, section 1443 states:

14 "As used in Section 2761 of the code, 'incompetence' means the lack of possession of or the
15 failure to exercise that degree of learning, skill, care and experience ordinarily possessed and
16 exercised by a competent registered nurse as described in Section 1443.5."

17 13. California Code of Regulations, title 16, section 1443.5 states:

18 "A registered nurse shall be considered to be competent when he/she consistently
19 demonstrates the ability to transfer scientific knowledge from social, biological and physical
20 sciences in applying the nursing process, as follows:

21 "(1) Formulates a nursing diagnosis through observation of the client's physical condition
22 and behavior, and through interpretation of information obtained from the client and others,
23 including the health team.

24 "(2) Formulates a care plan, in collaboration with the client, which ensures that direct and
25 indirect nursing care services provide for the client's safety, comfort, hygiene, and protection, and
26 for disease prevention and restorative measures.

"(3) Performs skills essential to the kind of nursing action to be taken, explains the health treatment to the client and family and teaches the client and family how to care for the client's health needs.

"(4) Delegates tasks to subordinates based on the legal scopes of practice of the subordinates and on the preparation and capability needed in the tasks to be delegated, and effectively supervises nursing care being given by subordinates.

"(5) Evaluates the effectiveness of the care plan through observation of the client's physical condition and behavior, signs and symptoms of illness, and reactions to treatment and through communication with the client and health team members, and modifies the plan as needed.

"(6) Acts as the client's advocate, as circumstances require, by initiating action to improve health care or to change decisions or activities which are against the interests or wishes of the client, and by giving the client the opportunity to make informed decisions about health care before it is provided."

COST RECOVERY

14. Section 125.3 provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

PATIENT J.M.

15. On or about February 3, 2006, at 1412 hours, Patient J.M., a 43 year old male, presented himself to Respondent who was on duty at San Antonio Community Hospital, Emergency Room, Upland, California. Respondent documented that Patient J.M.'s vital signs were blood pressure 136/84, pulse 138, respirations 20, temperature 99.6, and pain 7 (out of high 10), that he was warm and dry, and that he was experiencing pain in his abdomen, lower left quadrant (LLQ). Respondent discussed Patient J.M.'s rapid heart rate with the emergency room physician, but failed to mention his low grade fever. Respondent ordered and diagnosed a kidney, ureter and bladder x-ray (KUB), and treated Patient J.M. with a fleet enema relieving

1 LLQ pain. Respondent ordered an EKG (elektrokardiogramm) on Patient J.M. addressing his
2 rapid heart rate. Respondent repeated and monitored all vitals on Patient J.M. except for his
3 temperature. Respondent discharged Patient J.M. at 1715 hours with a diagnosis of constipation.

4 16. On or about February 6, 2006, at 1515 hours, Patient J.M. presented himself to San
5 Antonio Community Hospital, Emergency Room, with complaints of abdominal pain, fever and
6 diarrhea. Patient J.M. was diagnosed with diverticulitis with perforation and abscess formation.
7 Patient J.M. was treated for a bowel perforation, peritonitis, necessitating surgical repair and a
8 temporary colostomy.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Incompetence / Gross Negligence)**

11 17. Respondent is subject to disciplinary action under section 2761, subdivision (a)(1), in
12 conjunction with California Code of Regulations, title 16, sections 1443 and 1443.5, and / or
13 1442, on the grounds of unprofessional conduct, in that in regard to Patient J.M., on or about
14 February 3, 2006, while on duty as a registered nurse at San Antonio Community Hospital,
15 Emergency Room, Respondent failed to exercise the degree of learning, skill, care and experience
16 ordinarily possessed and exercised by a competent registered nurse and / or committed acts
17 constituting a substantial departure from the standards of care, as follows:

18 a. Respondent failed to diagnosis and order appropriate test, lab and CT (colonography)
19 as indicated to diagnose Patient J.M.

20 b. Respondent failed to document a plan of care appropriate for Patient J.M.

21 c. Respondent failed to rule out low grade fever for differential diagnoses of acute
22 appendicitis, diverticulitis, bowel obstruction, and / or bacterial infections for Patient J.M.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct)**

25 18. Respondent is subject to disciplinary action under section 2761, subdivision (a), in
26 that Respondent committed acts of unprofessional conduct. Complainant refers to and by this
27 reference incorporates the allegations set forth above in paragraph 17, subdivisions a - c,
28 inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Registered Nurse License No. 452535, issued to Irene Lee Yeoh;

2. Revoking or suspending Public Health Nurse Certificate No. 46436, issued to Irene Lee Yeoh;

3. Revoking or suspending Nurse Practitioner Certificate No. 6678, issued to Irene Lee Yeoh, aka Irene Lee Wilson

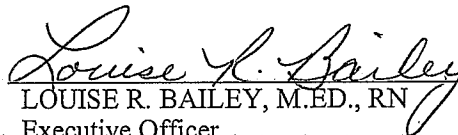
4. Revoking or suspending Nurse Practitioner Furnishing Certificate No. 6678, issued to Irene Lee Yeoh;

5. Ordering Irene Lee Yeoh to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3; and

6. Taking such other and further action as deemed necessary and proper.

DATED: _____

2/28/11


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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